

## **FINDING OF EMERGENCY**

The Employment Relations Commission finds that an emergency exists and that the attached rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of the facts constituting the emergency is as follows:

1. The Employment Relations Commission has a statutory responsibility in the private, municipal and state sectors for timely and peaceful resolution of collective bargaining disputes and for serving as an expeditious and impartial labor relations tribunal.
2. Effective July 26, 2003, 2003 Wisconsin Act 33 reduced the Employment Relations Commission's annual budget by \$400,000 in General Program Revenue (GPR) and eliminated 4.0 GPR supported positions. These reductions lowered the Employment Relations Commission's annual base GPR funding level and the number of GPR supported positions by more than 16%.

Act 33 also abolished the Personnel Commission and transferred certain of the Personnel Commission's dispute resolution responsibilities to the Employment Relations Commission.

3. 2003 Wisconsin Act 33 increased the Employment Relations Commission's Program Revenue (PR) funding and positions by \$237,800 and 2.0 PR positions respectively. The revenue to support these increases will be provided by increasing existing filing fees for certain dispute resolution services.
4. Unless the emergency rule making procedures of s. 227.24, Stats., are utilized by the Employment Relations Commission to provide the increased filing fee revenue needed to support the 2.0 PR positions, the Commission's ability to provide timely and expeditious dispute resolution services will be significantly harmed.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of August, 2003.

### **WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

Judith Neumann /s/

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Judith Neumann, Chair

Paul Gordon /s/

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Paul Gordon, Commissioner

Susan J. M. Bauman /s/

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Susan J. M. Bauman, Commissioner

## **ORDER OF THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION PROMULGATING EMERGENCY ADMINISTRATIVE RULES**

The Wisconsin Employment Relations Commission hereby makes an order to promulgate emergency administrative rules to amend ERC 1.06 (1)(2) and (3), 10.21 (1)(2)(3)(4) and (5), and 20.21 (1)(2)(3)(4) and (5) relating to increased filing fees.

The emergency rules increase existing filing fees for Commission dispute resolution services in amounts necessary to fund 2.0 Program Revenue positions as authorized by 2003 Wisconsin Act 33.

Sections 111.09, 111.71, 111.94, 227.11 and 227.24., Stats., authorize promulgation of these emergency rules.

SECTION 1. ERC 1.06 (1)(2) and (3), 10.21 (1)(2)(3)(4) and (5), and 20.21 (1)(2)(3)(4) and (5) are amended to read:

**ERC 1.06 Fees. (1) COMPLAINTS.** At the time a complaint is received alleging that an unfair labor practice has been committed under s. 111.06, Stats., the complaining party or parties shall pay the commission a filing fee of ~~\$40-~~ \$80. The complaint is not filed until the fee is paid.

**(2) GRIEVANCE ARBITRATION.** At the time a request is received asking that the commission or its staff act as a grievance arbitrator under s. 111.10, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125-~~ \$250.

**(3) MEDIATION.** At the time a request is received asking the commission or its staff to act as a mediator under s. 111.11, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125-~~ \$250.

SECTION 2. ERC 10.21 (1)(2)(3)(4) and (5) are amended to read:

**ERC 10.21 Fees. (1) COMPLAINTS.** At the time a complaint is received alleging that a prohibited practice has been committed under s. 111.70(3), Stats., the complaining party or parties shall pay the commission a filing fee of ~~\$40-~~ \$80. The complaint is not filed until the fee is paid.

**(2) GRIEVANCE ARBITRATION.** At the time a request is received asking that the commission or its staff act as a grievance arbitrator under s. 111.70 (4) (c) 2., or (cm) 4., Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125-~~ \$250.

**(3) MEDIATION.** At the time a request is received asking the commission or its staff to act as a mediator under s. 111.70(4)(c)1. or (cm)3., Stats., the parties to the dispute shall each pay the commission a filing fee or ~~\$125-~~ \$250.

**(4) FACT-FINDING.** At the time a request is received asking the commission to initiate fact-finding under s. 111.70 (4) (c) 3., Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125-~~ \$250, except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

(5) INTEREST ARBITRATION. At the time a request is received asking the commission to initiate interest arbitration under s. 111.70 (4)(cm)6., (4)(jm) or 111.77(3), Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125~~, \$250, except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

SECTION 3. ERC 20.21 (1)(2)(3) and (4) are amended to read:

**ERC 20.21 Fees. (1) COMPLAINTS.** At the time a complaint is received alleging that an unfair labor practice has been committed under s. 111.84, Stats., the complaining party or parties shall pay the commission a filing fee of ~~\$40~~, \$80. The complaint is not filed until the fee is paid.

(2) GRIEVANCE ARBITRATION. At the time a request is received asking that the commission or its staff act as a grievance arbitrator under s. 111.86, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125~~, \$250.

(3) MEDIATION. At the time a request is received asking the commission or its staff to act as a mediator under s. 111.87, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125~~, \$250.

(4) FACT-FINDING. At the time a request is received asking the commission to initiate fact-finding under s. 111.88, Stats., the parties to the dispute shall each pay the commission a filing fee of ~~\$125~~, \$250, except that if the parties have previously paid a mediation filing fee for the same dispute under sub. (3), no fee shall be paid.

These emergency rules will take effect September 15, 2003.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of August, 2003.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

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Judith Neumann, Chair

Paul Gordon /s/

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Paul Gordon, Commissioner

Susan J. M. Bauman /s/

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Susan J. M. Bauman, Commissioner